

EXHIBIT 9

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.
Petitioner

v.

CAPELLA PHOTONICS, INC.
Patent Owner

Case IPR2014-01166
Patent RE42,368

**DECLARATION OF DR. ALEXANDER V. SERGIENKO
IN SUPPORT OF THE PATENT OWNER RESPONSE**

Mail Stop “Patent Board”
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Capella 2004
Cisco v. Capella
IPR2014-01166

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I, Dr. Alexander V. Sergienko, declare as follows:

I. INTRODUCTION

1. My name is Alexander V. Sergienko. Capella Photonics, Inc. has retained me as an expert witness. I have been asked to provide my expert opinion on the validity of claims 1-6, 9-13, and 15-22 of U.S. Patent No. RE42,368 to Chen et al. (“368 patent”).

2. I am being compensated for my work. My compensation is not contingent upon and in no way affects the substance of my testimony.

II. QUALIFICATIONS

3. I have a Ph.D. in Physics from Moscow State University in 1987 and a Master of Science Degree in Physics from Moscow State University in 1981.

4. I am currently a full professor at Boston University where I hold joint appointments in the Photonics Center, the Department of Electrical and Computer Engineering, and the Department of Physics. My expertise and research interests include optics, photonics, quantum physics, laser physics, nonlinear optics, and precise optical measurement in telecommunication and optical engineering.

5. I have experience and familiarity with the technical areas involved in this case. With over 30 years of research experience in the field of optics, I have studied and worked with optical components such as those at issue in this case. For

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XII. CONCLUSION

188. In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

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189. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001).

190. Executed this 7 day of May in 2015.

Respectfully submitted,

Alex. Sergienko

Alexander V. Sergienko, Ph.D.